



ITN 2020 Coordinator's Info Day

GRANT AGREEMENT OBLIGATIONS

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1. Division of roles and responsibilities

ROLES AND RESPONSIBILITIES

Role of beneficiaries *Art. 41.2(a)*

Each beneficiary must:

- ✓ Keep up to date the Beneficiary Register
- ✓ Inform the coordinator immediately of any event or circumstances that may affect significantly or delay the implementation of the action or the EU's financial interests and of any circumstances affecting the decision to award the grant or compliance with requirements under the Agreement
- ✓ Submit to the coordinator documents/ information listed in art. 41.2 (individual financial statements, ethics committee opinions etc.)

ROLES AND RESPONSIBILITIES

Role of the Coordinator Art. 41.2 (b)

- ✓ **Monitor** that the action is properly implemented
- ✓ Act as **Intermediary** for all communication between REA and beneficiaries
- ✓ **Request and review** documents/information required by the REA
- ✓ **Submit** deliverables and reports to the REA

Coordinator cannot delegate these tasks

ROLES AND RESPONSIBILITIES

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Coordinator cannot delegate these tasks

ROLES AND RESPONSIBILITIES

Role of the Coordinator Art. 41.2 (b)

- ✓ **Ensure payments** are made to beneficiaries without unjustified delay
- ✓ **Inform the REA** of the amounts paid to each beneficiary when required by the Agreement or upon request

Coordinator cannot delegate these tasks

*exception : “Authorization to administer” (only for public bodies or second or higher education establishments):
the coordinator may delegate these two tasks to a third party, but it retains sole responsibility for the EU contribution and for compliance with the GA*

ROLES AND RESPONSIBILITIES

The beneficiary must have the appropriate resources to implement the action

If it is necessary to implement the action the beneficiary can call upon

- 1) Entities with a capital or legal link to the beneficiary (to host and train ESRs)
- 2) Partner Organizations (to host and train ESRs during secondments)

Third parties involved in the action: Article 8

Comparison of functions in the action

	Host and train	Recruit	Hosting and training during secondments	Implement action activities	Signature of GA	Claim costs
Beneficiary	YES	YES	YES	YES	YES	YES
Partner organisation	NO	NO	YES	YES	NO	NO
Entity with capital or legal link	YES	NO	YES	YES	NO	NO

ROLES AND RESPONSIBILITIES

Consortium Agreement
Art. 41.3

Beneficiaries must have internal arrangements set out in a written « Consortium Agreement » which may cover:

- Internal organization of the consortium
- Distribution of EU funding
- Rules on IPR
- Settlement of internal disputes
- ...

When: In principle, before signature of GA and in any case no later than the submission date fixed in Annex 1 (M2)

Further guidance: [*How to draw up your consortium agreement*](#)

2. Some GA obligations

ROLES AND RESPONSIBILITIES

*General obligation to properly
implement the action
Article 7*

The beneficiaries **must implement the action:**

- ✓ As described in Annex 1
- ✓ In compliance with the provisions of the GA and all legal obligations under EU, international and national law

Technical implementation = joint liability

Financial responsibility = individual (own debt)

ROLES AND RESPONSIBILITIES

**General obligation to inform
Article 17**

The beneficiaries must:

- ✓ Provide any information requested by REA
- ✓ Keep up to date the beneficiary register
- ✓ Inform the coordinator immediately of:
 - 1) any event that may affect significantly or delay the implementation of the action or the EU's financial interests
 - 2) any circumstances affecting the decision to award the grant or compliance with the GA

ROLES AND RESPONSIBILITIES

The beneficiaries must:

Obligations towards recruited researchers: Article 32

- ✓ take all measures to implement the “**Charter and Code**”
- ✓ advertise and **publish vacancies internationally**
- ✓ recruit fellows with an **open, transparent, impartial and equitable** procedure
- ✓ ensure that **no conflict of interest** exists or arises from the recruitment
- ✓ **assist** researchers in **administrative procedures**
- ✓ **inform** the researchers on the details on the research training activities
- ✓ **host** the researchers at their premises (or of entities with capital or legal link)
- ✓ **provide training** and the necessary means to implement the action
- ✓ **limit secondments to 30%** of the time spent under the action

ROLES AND RESPONSIBILITIES

Obligations towards recruited researchers: Article 32

The beneficiaries must ensure that:

- ✓ the researchers enjoy **at least the same standards** as local researchers holding a similar position
- ✓ the **employment contract specifies the elements** indicated in art.32.1(f) - e.g. duration, monthly support, MSCA-related obligations etc.
- ✓ the **researchers do not have to bear any costs** for the implementation of the action (e.g. tuition fees)
- ✓ the researchers are **adequately supervised**
- ✓ a **Career Development Plan** is established and supported
- ✓ the researchers are appropriately **exposed to the non-academic sector**

2. Consequences of non-compliance

CONSEQUENCES OF NON-COMPLIANCE

Rejection of ineligible costs

*Consequences of non-compliance
Article 42*

When:

- at the time of an interim payment,
- at the payment of the balance or afterwards
- after termination of a beneficiary,

In which cases:

- ✓ Non compliance with eligible conditions stated under Article 6 of the GA (e.g. mobility rule, employment contract, full time and exclusive dedication to the action, costs fully incurred for the benefit of the researcher, ...)

How:

- ✓ Contradictory procedure:
 - 1) REA will formally notify a “pre-info letter” with detailed information
 - 2) Coordinator/Beneficiary has 30 days to submit observations
 - 3) REA analyses them and takes final decision

CONSEQUENCES OF NON-COMPLIANCE

Reduction of the grant

When:

- at the payment of the balance or afterwards
- after termination of a beneficiary,

*Consequences of non-compliance
Article 43*

In which cases:

- ✓ If a beneficiary has committed
 - substantial errors, irregularities or fraud
 - serious breach of obligations under the Agreement or the award procedure (including improper implementation, false declarations...)
- ✓ In case of “extension of findings from other grants to this grant”

How:

- ✓ Reduction will be proportional to the seriousness of the errors, irregularities, fraud or breach (from 5% up to 100% of the grant amount)
- ✓ Contradictory procedure:
 - 1) REA will formally notify a “pre-info letter” with detailed information
 - 2) Coordinator/Beneficiary has 30 days to submit observations
 - 3) REA analyses them and either stops the procedure or confirms it

CONSEQUENCES OF NON-COMPLIANCE

Suspension of payments/ of the action implementation

When:

At any moment

*Consequences of non-compliance
Article 48- Article 49*

In which cases:

- ✓ If a beneficiary has committed
 - substantial errors, irregularities or fraud
 - serious breach of obligations under the Agreement or the award procedure
- ✓ In case of “extension of findings from other grants to this grant”
- ✓ (Only for suspension of action implementation): If the action is suspected of having lost its scientific or technological relevance

How:

- ✓ In whole or in part, for one or more beneficiaries
- ✓ Contradictory procedure:
 - 1) REA will formally notify a “pre-info letter” with detailed information
 - 2) Coordinator/Beneficiary has 30 days to submit observations
 - 3) REA analyses them and either stops the procedure or confirms it
- ✓ If the conditions to resume the payment are met, suspension will be lifted

CONSEQUENCES OF NON-COMPLIANCE—

Termination of the Agreement or of the participation of one or more beneficiaries

In which cases:

✓ In all cases indicated in art. 50.3, particularly:

- If a beneficiary has committed
 - substantial errors, irregularities or fraud
 - serious breach of obligations under the Agreement or the award procedure

- In case of “extension of findings from other grants to this grant”

How:

- ✓ Contradictory procedure:
 - 1) REA will formally notify a “pre-info letter” with detailed information
 - 2) Coordinator/Beneficiary has 30 days to submit observations
 - 3) REA analyses them and either stops the procedure or confirms it

*Consequences of non-compliance
Article 50.3*

4. Amendments

Amendments to the GA – Art. 55

“The Agreement may be amended, unless it entails changes that would call into question the decision awarding the grant or breach equal treatment of applicants”

Amendments are needed to change the GA or its Annexes, if both parties agree

How

- ✓ Through a request for amendment signed in the electronic exchange system
- ✓ The request must be justified and must include the appropriate supporting documents
- ✓ If the other party agrees, the amendment must be signed in the electronic exchange system within 45 days; otherwise, the request is considered to have been rejected-
CHANGES TO SUBMITTED REQUESTS ARE NOT POSSIBLE (NO “NEGOTIATIONS”!)

Always consult your Project Officer before submitting an amendment request!

Amendments to the GA – Art. 55

Examples of amendments:

- Beneficiaries (addition, removal of terminated beneficiary...)
- Coordinator (bank account...)
- Implementation of the project (Annex 1)
-

No amendment needed:

- Name/address (beneficiary register update)
- Universal takeover

Further guidance on Amendments:

[Funding and Tender Opportunities Portal- IT How to](#)

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Thank you



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